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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,172	03/19/2002	Masatoshi Kobayashi	112044	7545
7590 02/27/2004				
Oliff & Berridge PO Box 19928 Alexandria, VA 22320				
EXAMINER BROCKETTI, JULIE K				
ART UNIT		PAPER NUMBER		
3713				

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/069,172	KOBAYASHI ET AL.	
	Examiner	Art Unit	
	Julie K Brockett	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10 and 24 is/are rejected.
- 7) ☒ Claim(s) 5-7 and 11-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02222002,09162033</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed February 22, 2002 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein in which no concise explanation of its relevance has not been considered.

Drawings

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

1. Page 10 line 17 states, "performs processing such as restrict of the entire device..." Using the word "restrict" makes the sentence confusing and it does not make sense.

2. Page 24, line 10. The word "IN" should be "In".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 8-10 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujimoto, European Patent Application EP 0 848 226 A2. Fujimoto discloses a gun, i.e. a position indication device for a game machine. An indicator body indicates a position within a screen of a display device (See Fujimoto Fig. 1). A lens is provided in the indicator body and focuses light that is incident from a position indicated by the indicator body through a light-incident aperture of the indicator body. An optical sensor is provided in the indicator body and detects light focused by the lens. A light proof member, i.e. filter, is provided in the indicator body and covers the lens and the optical sensor so that external light other than light from the light-incident aperture is

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not incident on the lens and the optical sensor (See Fujimoto col. 5 line 47 – col. 6 line 28). The light-proof member covers the optical sensor in such a manner as to prevent the incidence of external light to all surfaces of the optical sensor, including a surface on which a signal terminal of the optical sensor is provided. The light-proof member covers at least a board portion, on which the optical sensor is mounted, of a board for mounting the optical sensor (See Fujimoto col. 5 line 57-col. 6 line 4; Fig. 5). The light proof member is configured of an assembly of a plurality of parts. A protuberant portion is provided in a connection portion of a first part of the plurality of parts, and also a fit portion that fits with the protuberant portion is provided in a connection portion of a second part of the plurality of parts (See Fujimoto Fig. 5, items 255). For example, the filter protrudes and fits into recesses in the gun. Fujimoto discloses a game system in which a computer-usable information storage medium comprises a program for implementing the following on a computer, game processing means that receives information from the position indication device and performs game processing based on the detected indicated position and image generation means that generates a game image in accordance with the game processing performed by the game processing means (See Fujimoto col. 3 lines 40-48; col. 8 lines 40-46).

Allowable Subject Matter

Claims 5-7 and 11-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record lacks in disclosing a cut-out portion in a connection portion between parts of the light-proof member in order to form a through-hole for a signal terminal of the optical sensor. The prior art also lacks in disclosing a second light-proof member to prevent the incidence of the external light from a gap between the board and a slit provided in the light-proof member for the insertion of the board.

Citation of Relevant Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Yamazaki, U.S. Patent No. 6,251,011 B1.

--Yamazaki discloses a shooting video game in which the gun contains a sensor and filter for blocking out external light.

2. Kobayashi, U.S. Patent No. 6,146,278.

--Kobayashi discloses a shooting video game in which the gun contains a sensor and filter for blocking out external light.

3. Oh, U.S. Patent No. 6,110,039.

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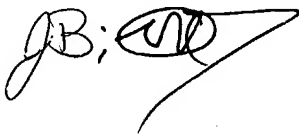
--Oh discloses a shooting game machine in which a gun contains a lens and filter system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brockett whose telephone number is 703-308-7306. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg SPE can be reached on 703-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).




Teresa Walberg
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Group 3700